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10/020,388	12/14/2001	William Salkewicz	4906.P001D	4091

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EXAMINER

VU, THONG H

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/020,388

Applicant(s)

SALKEWICZ, WILLIAM

Examiner

Thong H Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

~~Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).~~

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/02; 10/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Claims 1-5 are pending.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-5 are rejected under the judicially created doctrine of double patenting over claims 1-81 of U. S. Patent No. 6,609,153 B1 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

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~~The subject matter claimed in the instant application is fully disclosed in the~~  
patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

(Patent '153, Claim 1) A computer implemented method comprising:

routing Internet Protocol (IP) packets within a first Internet Service Provider's (ISP's) domain from a single network device with a first database, the first database including addresses of the first ISP's domain; and

routing IP packets within a second ISP's domain from the single network device with a second database, the second database being separate from the first database and including addresses of the second ISP's domain.

(claim 2) the first database also includes control and policy information for the first ISP's domain and the second database includes control and policy information for the second ISP's domain.

(claim 3) connecting a subscriber to the first ISP's domain with an authentication, authorization and accounting protocol.

(Application, claim 1) An apparatus for managing multiple virtual network domains which include a multiplicity of virtual circuits, the system comprising:

an information processing system that includes processor resources, input/output connections, memory and operating system software; multiple virtual network devices instantiated in shared memory (or sharing Web databases and routing ISP 's domain with database including addresses);

multiple respective virtual network device interfaces instantiated in the shared memory wherein the respective virtual network device interfaces are associated with respective virtual network devices (or control and policy information);

multiple respective virtual circuit interfaces instantiated in the shared memory; and multiple respective bindings instantiated in the shared memory that respectively associate respective virtual network device interfaces and respective virtual circuit interfaces (or connecting to the ISP domain with an authentication, authorization and accounting protocol).

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mitchell et al [Mitchell 5,872,973].

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As per claim 1, Mitchell discloses an apparatus for managing multiple virtual network domains (i.e.: Internet) which include a multiplicity of virtual circuits [Mitchell, a system using a dynamic object-oriented programming on Internet which provides multiple domains with multiple virtual circuits, abstract; the virtual circuits which have the virtual functions, col 12 lines 19-47, col 30 lines 8-28; virtual views col 22 lines 7-24; col 25 lines 49-59], the system comprising:

an information processing system that includes processor resources, input/output

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connections, memory and operating system software [Mitchell, a database server, col 5 lines 30-45];

multiple virtual network devices instantiated in shared memory [Internet or distributed object systems using CORBA, DSOM, ORB for data sharing, col 5 lines 20-67];

multiple respective virtual network device interfaces instantiated in the shared memory wherein the respective virtual network device interfaces are associated with respective virtual network devices [Mitchell, instantiated and connected, col 13 lines 56-62; after instantiation, a bi-directional link is established, col 16 lines 1-9; col 21 lines 8-22; col 22 lines 60-67; col 24 lines 45-50; col 26 lines 36-52];

multiple respective virtual circuit interfaces (i.e.: semantic links) instantiated in the shared memory; and multiple respective bindings instantiated in the shared memory that respectively associate respective virtual network device interfaces and respective virtual circuit interfaces [Mitchell, instantiates each semantic link and dynamic binding on the object, col 11 lines 18-27, col 31 lines 45-67].

Thus, the prior art taught all limitations set forth of claim 1.

4. Claim 2 contains the similar limitations set forth of claim 1. Therefore, claim 2 is rejected for the similar rationale set forth in claim 1.

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5. As per claim 3, Mitchell discloses a network device for managing at least one virtual network domain which includes a multiplicity of virtual circuits, the device comprising:

processor resources, input/output connections, memory and operating system software [Mitchell, a database server, col 5 lines 30-45];

multiple respective network device rule sets instantiated in the memory [Mitchell, a general rule, col 29 lines 21-26];

multiple respective network device interfaces instantiated in the memory wherein the respective network device interface are associated with respective network rule sets [Mitchell all the mapper object are instantiated and in the connection, col 22 line 60-col 23 line 18];

multiple respective virtual circuit interface instantiated in the memory; and at least one respective bind data structure that can respectively provide a bind between a respective virtual circuit interface and either of at least two of the respective network device interface [Mitchell, instantiates each semantic link and dynamic binding on the object, col 11 lines 18-27, col 31 lines 45-67; client/server, col 16 lines 1-10].

6. As per claim 4, Mitchell discloses a code mechanism to change the bind provided by the respective bind data structure [Mitchell, the program provides the dynamic binding, col 29 lines 55-67].

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7. Claim 5 contains the similar limitations set forth of claim 3. Therefore, claim 5 is rejected for the similar rationale set forth in claim 3.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (703)-305-4643.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (703) 305-9705.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

*Thong Vu*  
*Patent Examiner*  
*Art Unit 2142*

